

**REMARKS**

This response is filed in reply to the Office Action mailed May 19, 2004. Claims 1-5, 10, 11, 13, 14, 17, 20-27, 31-33, 35, 40, 41 and 43 are currently pending. The Applicant notes that all amendments of Claims presented herein are made without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG),<sup>1</sup> and without waiving the right to prosecute the amended Claims (or similar Claims) in the future. The Applicant requests reconsideration of the present application in response to the following amendments and remarks.

**I. Objections to the Claims**

Claims 20-27, 31-33 and 43 stand objected to because of informalities (Office Action, pages 2-5). All of the Claims excluding Claim 32 have been amended to conform with the Examiner's suggestions. As such, the objection of the claims is moot.

Claim 32 is objected to because of grammatical incorrectness; however, applicant respectfully submits that the phrase "serotype-specific cis-acting packaging sequence" referred to by the Examiner (Office Action, page 5) does not exist in the Claim 32 language. The Applicant has replaced the phrase "adenovirus replication defective sequences" from step (a), line 2 with "adenovirus nucleic acid sequence." The Applicant submits that the amended Claim addresses the Examiner's objection. The Applicant thus respectfully requests withdrawal of this objection.

**II. Rejections Under 35 U.S.C. §112, Second Paragraph**

Claims 13, 14, and 31-33 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention (Office Action, page 5).

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<sup>1</sup> 65 Fed. Reg. 54603 (Sept. 8, 2000).

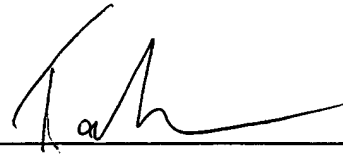
Claim 13 is rejected as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections (MPEP §2172.01). In particular, the Examiner states, “The omitted structural cooperative relationships are: the relationship between ‘an adenovirus replication competent host cell’ in step (c) of Claim 1 and ‘an adenovirus replication competent host cell containing the vector system’ on the last line of Claim 13. Claim 14 is also rejected because it is dependent on Claim 13.” (Office Action, page 6). The Applicant respectfully disagrees and submits that the Claims are definite as written. Nonetheless, in order to further the business interests of the Applicant and without acquiescing to the Examiner’s rejection, and while reserving the right to prosecute the original (or similar) Claims in the future, the Applicant has amended Claims 13 and 14 as suggested by the Examiner. As such, the Applicant respectfully requests that the rejection be withdrawn.

The first line of step (b) in Claims 31, 32, and 33 stands rejected as allegedly having insufficient antecedent basis for the recited limitation “the cells.” Claims 31, 32, and 33, step (a), line 1 have each been amended as suggested by the Examiner to overcome this rejection. As such, the Applicant respectfully requests that the rejection be withdrawn.

**CONCLUSION**

All grounds of objection and rejection of the Office Action of May 19, 2004 having been addressed, reconsideration of the application is respectfully requested. It is respectfully submitted that the Claims should be allowed. Should the Examiner have any questions, or if a telephone conference would aid in the prosecution of the present application, the Applicant encourages the Examiner to call the undersigned collect at 608-218-6900.

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